

## **ORDINANCE NO. 434**

**AN ORDINANCE AMENDING ORDINANCE NO. 147 (ADOPTED ON MAY 28, 2013) FOR A PORTION OF THE DEVELOPMENT KNOWN AS GATEWAY TO FALCONHEAD WHICH IS LOCATED AT RR 620 AND FALCONHEAD BLVD, IN THE CITY OF BEE CAVE, TEXAS FOR THE PROPERTY DESCRIBED AS LOT 1, BLOCK A, GATEWAY TO FALCONHEAD SUBDIVISION (HEREINAFTER THE "PROPERTY") AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; WHICH PROPERTY IS CURRENTLY ZONED MIXED USE PLANNED DEVELOPMENT DISTRICT; AMENDING THE CONCEPT PLAN AND THE DEVELOPMENT STANDARDS APPLICABLE TO THE PROPERTY DESCRIBED HEREIN BUT ONLY INsofar AS THE AMENDED CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B" AND THE AMENDED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "C" ARE INCONSISTENT WITH THE CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED IN ORDINANCE NO. 147; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Bee Cave is of the opinion and finds that this zoning change should be granted and that Ordinance No. 147 should be amended as set forth herein; and

**WHEREAS**, the City Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Planned Development Concept Plan ("PD Concept Plan") that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

**WHEREAS**, the amendments requested by Applicant for the portion of the Property described in Exhibit "A" are consistent with the City's requirements applicable to planned development districts and are also consistent with the development standards and uses applicable to the portion of the property that is not being amended by this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:**

**SECTION 1.** Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** Amendment. That Ordinance No. 147 is hereby amended only as to the Property described in Exhibit A, which is attached hereto and incorporated herein. The Amended Concept Plan which is attached hereto as Exhibit “B” and the Amended Development Standards, which is attached hereto as Exhibit “C”, are also only applicable to the Property described in Exhibit “A”. Development Standards contained in Ordinance No. 147 which are not inconsistent with the Development Standards attached hereto continue to provide Development Standards applicable to the Property described in Exhibit “A”.

**SECTION 3.** Development. That the Property shall be developed in compliance with this Ordinance, the Concept Plan, attached hereto as Exhibit “B”, and the terms and conditions of the City’s Code of Ordinances, except as modified by the Planned Development Standards attached hereto as Exhibit “C” and as otherwise applicable in Ordinance No: 147.

**SECTION 4.** Concept Plan. The Concept Plan for this Planned Development District, which is attached as Exhibit “B”, is made a part hereof for all purposes and is hereby approved subject to the limitations set out in Section 2, for said Planned Development District as required by Chapter 32.03.015 of the City’s Code of Ordinances. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a Subdivision Construction Plan or Site Plan, as applicable, is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances as same may be modified by the applicable Development Standards.

**SECTION 5.** Uses. Only those uses specifically permitted in Ordinance 147, as modified by this Ordinance and as depicted in the Concept Plan (Exhibit “B”) shall be authorized uses for the Property.

**SECTION 6.** Amendments to Development Standards. All changes or expansions of uses authorized for the Property require an amendment to this Ordinance and to the Concept Plan. However, any changes in the Development Standards, not associated with a change in use, and that are approved by City Council in subsequent site plan or plat approvals shall not require an amendment to this Ordinance. In such cases, Developer shall provide City with updated and accurate Concept Plans reflecting such changes.

**SECTION 7. Severability.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

**SECTION 8. Proper Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

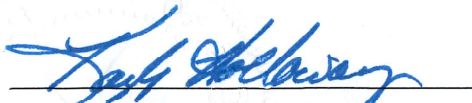
**SECTION 9. Effective Date.** That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 12<sup>th</sup> day of May, 2020.

**CITY OF BEE CAVE, TEXAS**

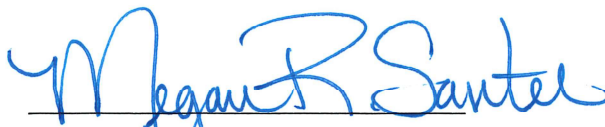
  
Kara King, Mayor

**ATTEST:**

  
Kaylynn Holloway, City Secretary

[SEAL]

**APPROVED AS TO FORM:**

  
City Attorney

DENTON NAVARRO ROCHA BERNAL & ZECH, PC

## Exhibit "A"

### Property Description

Lot 1, Block A Gateway to Falconhead Final Plat, a Subdivision as recorded in document number 201300220 of the Official Public Records of Travis County, Texas.

Exhibit "B"

Concept Plan

## Exhibit “C”

### AMENDED DEVELOPMENT STANDARDS

The following amended development standards shall only be applicable to the Property described in Exhibit “A” and are intended to supplement the Development Standards contained in Ordinance No. 147. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. Except as otherwise described herein, all development activity undertaken on the Property, shall comply with Ordinance 147 except as modified herein. Capitalized terms contained herein shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the City of Bee Cave Code of Ordinances, depending upon context.

#### **AREA I as depicted in the Concept Plan, Exhibit "B"**

1. In addition to the land uses allowed under Ordinance 147, the following land use uses will be allowable uses in Area I under this PD District:
  - a. Building Pad G – Child Day Care, School (Private, K-6<sup>th</sup> only), Office, Retail. Child Day Care and School hours of operation area allowed 7:30 a.m. – 7:00 p.m. Monday through Friday. The first phase of the Child Day Care and School may have an enrollment of 70 students. Future expansion of the Child Day Care and School (Private, K-6<sup>th</sup> only), may accommodate a maximum total enrollment of 80 students.
  - b. Fitness Center.
  - c. Offices, Professional and General Business.
  - d. General Restaurant (restaurant with alcoholic beverage sales).
  - e. Pad Sites B and F hours of operation are allowed 6:30 a.m. through 10:00 pm Sunday through Thursday and 6:30 a.m. through 12 a.m. Friday and Saturday.
  - f. Pad Site D - Bank with drive-thru is authorized with up to 4 car stacking per lane and a pass through lane.
  - g. Retail Shop and General Retail Stores, Limited to Pad Sites A, E, F, and a portion of G, as depicted in the Concept Plan, Exhibit “B”.
2. Seven (7) building sites are authorized in Area I from 3,000 sq ft to 15,000 sq ft as depicted in the Concept Plan. All of these buildings shall be one story, except the Building Pad G which is authorized to be two stories but shall not exceed 35 feet in

height.

3. Per Ord. 147 shared parking is assumed within the District. Area I shall have a minimum of 208 parking spaces, any reduction in parking spaces requires an update to the Shared Parking Study that was submitted as part of the application for this zoning amendment, and approval of an amendment to this Ordinance.